

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

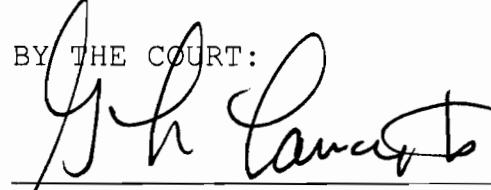
ALVIN R. SIMMONS, JR.,)
Plaintiff,)
)
v.) Civil Action No. 12-0037
)
ALLEGHENY GENERAL HOSPITAL.)
Defendant.)

ORDER

AND NOW, this 30th day of January, 2012, upon
consideration of plaintiff's motion for leave to proceed in
forma pauperis [Doc. No. 1], said motion is hereby GRANTED and
the clerk of court is directed to file plaintiff's complaint.
IT IS FURTHER ORDERED that the complaint is DISMISSED, without
prejudice, for lack of subject matter jurisdiction due to
plaintiff's failure to demonstrate diversity of citizenship.

For purposes of diversity jurisdiction, the domicile
of a prisoner before imprisonment presumptively remains his
domicile during imprisonment, barring a demonstrated intent to
remain in the state of incarceration upon release. See, e.g.,
Hall v. Curran, 599 F.3d 70, 72 (1st Cir. 2010).

BY THE COURT:


Hon. Gary L. Lancaster,
Chief United States District Judge

cc: All Counsel of Record